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UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 ARMSTRONG, JAMES AMAURIC, RICHARD)
 ROMANIANO, JACK SWENSEN, BILLY BECK,)
 JUDY FENDT, WALTER FRATUS, GREGORY)
 SANDOVAL, DARLENE MADISON, PETER)
 RICHARDSON, STEVEN HILL, and all others)
 similarly situated,)

Plaintiffs,)

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1 The motion of plaintiffs JOHN ARMSTRONG, JAMES AMAURIC,
2 RICHARD PONCIANO, JACK SWENSEN, BILLY BECK, JUDY FENDT, WALTER
3 FRATUS, GREGORY SANDOVAL, DARLENE MADISON, PETER RICHARDSON, and
4 STEVEN HILL for class certification under Federal Rules of Civil
5 Procedure, Rules 23(b)(1)(A), 23(b)(1)(B) and 23(b)(2) came on
6 regularly for hearing before this Court on October 28, 1994.
7 Warren George, appeared as counsel for plaintiffs and James
8 Humes, Deputy Attorney General appeared as counsel for
9 defendants.

10 After considering the moving and opposition papers, the
11 arguments of counsel and all other matters presented to this
12 Court, this Court makes the following findings of fact:

13 A. The prerequisites to maintenance of a class action set
14 forth in Federal Rule of Civil Procedure 23(a)(1-4) are met in
15 that:

16 (1) The class of all present and future California
17 state prisoners and parolees with mobility, sight, hearing,
18 learning and kidney impairments that substantially limit one or
19 more of their major life activities, except those prisoners with
20 mobility impairments housed at the California Medical Facility,
21 is so numerous that joinder of all members is impracticable;

22 (2) There are questions of law and fact common to all
23 members of the class;

24 (3) The claims of the representative parties are
25 typical of the claims of the class; and

26 (4) The representative parties will fairly and
27 adequately protect the interests of the class.

1 B. A class action is maintainable under Federal Rule of
2 Civil Procedure 23(b)(1)(A), 23(b)(1)(B) and 23(b)(2) in that:

3 (1) The prosecution of separate actions by individual
4 members of the class would create a risk of (a) inconsistent or
5 varying adjudications with respect to individual members of the
6 class which would establish incompatible standards of conduct for
7 defendants and (b) adjudications with respect to individual class
8 members which would as a practical matter be dispositive of the
9 interests of the other members who are not named parties; and

10 (2) In maintaining its current policies and practices
11 with respect to prisoners and parolees with the named
12 disabilities, defendants have acted or refused to act on grounds
13 generally applicable to the class. Therefore,

14 IT IS HEREBY ORDERED that plaintiffs' motion for class
15 certification is GRANTED. The class shall consist of all present
16 and future California state prisoners and parolees with mobility,
17 sight, hearing, learning and kidney disabilities that
18 substantially limit one or more of their major life activities,
19 except those prisoners with mobility impairments housed at the
20 California Medical Facility.

21 Dated: December 13, 1994

22 
23 CLAUDIA WILKEN
24 UNITED STATES DISTRICT JUDGE

25 Approved for form:
26

27 
28 GEORGE PRINCE
Attorney for defendants

DECLARATION OF SERVICE BY MAIL

Case Name: *John Armstrong, et al. v. Pete Wilson, et al.*

USDC N.D. Case No. C-94-2307 CW

I am employed in the County of San Francisco, California. I am over the age of 18 years and not a party to the within entitled cause; my business address is 455 Golden Gate Avenue, Room 6200, San Francisco, California 94102-3658.

On December 1, 1994, I served the attached

[PROPOSED] ORDER CERTIFYING THE CLASS

in said cause, placing, or causing to be placed, a true copy thereof, enclosed in a sealed envelope with postage thereon fully prepaid in the United States Mail at San Francisco, California, addressed as follows:

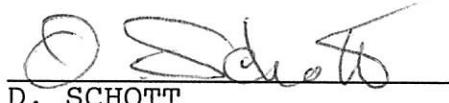
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed at San Francisco, California on December 1, 1994.


D. SCHOTT